

**MINUTES OF THE  
SENATE JUDICIAL CONFIRMATION COMMITTEE**  
Thursday, September 10, 2009 – 12:00 p.m. – Room 450 State Capitol

**Members Present:**

Sen. Scott K. Jenkins, Chair  
Sen. Jon J. Greiner  
Sen. Lyle W. Hillyard  
Sen. Karen Mayne  
President Michael G. Waddoups

**Staff Present:**

Ms. Esther D. Chelsea-McCarty, Associate General Counsel  
Mr. Jerry D. Howe, Policy Analyst  
Ms. Amanda K. Majers, Legislative Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Jenkins called the meeting to order at 12:05 p.m. The Committee introduced themselves to the candidate and the audience.

**2. Interview of Mr. Edwin T. Peterson**

**MOTION:** Sen. Greiner moved to close the meeting for the purpose of discussing the character, professional competence, or physical or mental health of Mr. Edwin T. Peterson. The motion passed unanimously.

Mr. Peterson was placed under oath by Mr. Howe.

**MOTION:** President Waddoups moved to open the meeting. The motion passed unanimously.

The candidate introduced himself and his family. He stated that being nominated as a judge in the Eighth District Court was the highest honor he has received in his professional career. Mr. Peterson informed the Committee of his personal and professional background. He explained that his career has prepared him to become a judge, a position that will allow him to serve his community, the state, and the country.

Sen. Mayne inquired about his membership in the Masonic Ashley Lodge. He stated that he was recommended for membership by his friends and colleagues from the Uinta Basin area.

President Waddoups asked if Mr. Peterson will be able to be impartial as a judge, since he may be familiar with people from his community who come before him in court. Mr. Peterson responded that in working with the Child Protection Division and as a prosecutor he prosecuted people with whom he was acquainted, and stated that acquaintances who come before him as a judge would receive a fair, impartial trial.

President Waddoups inquired whether there is anything in Mr. Peterson's past that if it were to become publically known would be an embarrassment to the state. He responded that there is not.

Sen. Greiner questioned Mr. Peterson about his involvement in the Utah State Advisory Board for Children's Justice. Mr. Peterson stated that he was the chair of the board for 2 years. Sen. Greiner asked how Mr. Peterson will deal with impartiality given his experience with the Advisory Board for Children's Justice. Mr. Peterson stated that he would give a defendant every consideration for innocence until

proven guilty. He reiterated that he worked as a defense attorney as well as a prosecutor and that as a judge he would search for the truth.

President Waddoups inquired about Mr. Peterson's definition of judicial activism. Mr. Peterson responded that he would be a terrible judicial activist because creating the law is the role of the Legislature and in his role as a judge he would enforce the law as it is written.

President Waddoups asked how Mr. Peterson feels about the death penalty. Mr. Peterson stated that the death penalty is a statutorily mandated punishment based on severity of the crime and its impact on society. He informed the Committee that he was on a prosecutorial team that asked for the death penalty. Mr. Peterson stated that it is not a remedy that should be taken lightly, but only if the criminal act meets the requirements of the statute.

Sen. Mayne questioned Mr. Peterson about how he would handle the situation of child abuse being directly reported to him and how he would proceed as a judge in that case. Mr. Peterson stated that he would report the case to law enforcement for investigation. Sen. Mayne asked that Mr. Peterson be sensitive to these types of cases. Mr. Peterson said that he would consider the evidence presented and presume the accused innocent until proven guilty beyond a reasonable doubt.

Sen. Hillyard recommended that Mr. Peterson be consistent as a judge, that he consider the clients and the time and cost involved in cases, and that he be prepared for the isolation that comes with being a judge in a small community.

**MOTION:** Sen. Hillyard moved to recommend favorably to the full Senate that Mr. Peterson be confirmed as a judge in the Eighth District Court. The motion passed unanimously.

### **3. Other Items / Adjourn**

**MOTION:** Sen. Hillyard moved to adjourn. The motion passed unanimously.

Chair Jenkins adjourned the meeting at 1:50 p.m.